

June 2, 2003

DIRECTIVE:	JOB CORPS PRH CHANGE NOTICE NO. 02-05
-------------------	--

TO: ALL JOB CORPS NATIONAL OFFICE SENIOR STAFF
ALL JOB CORPS REGIONAL DIRECTORS
ALL JOB CORPS CENTER DIRECTORS
ALL JOB CORPS CENTER OPERATORS
ALL NATIONAL TRAINING AND SUPPORT CONTRACTORS
ALL OUTREACH, ADMISSIONS AND CTS CONTRACTORS

FROM: RICHARD C. TRIGG
National Director
Office of Job Corps

SUBJECT: PRH Chapters 1, 5, and 6: Revisions to Support Health Insurance Portability and Accountability Act (HIPAA)/Privacy Rule

1. Purpose. To revise and update policy requirements in support of the Health Insurance Portability and Accountability Act (HIPAA)/Privacy Rule.

2. Background. In 1996, Congress passed The Health Insurance Portability and Accountability Act (HIPAA). The law gave Congress until August 21, 1999 to pass comprehensive health privacy legislation. When Congress did not enact such legislation, the law required the Department of Health and Human Services (HHS) to adopt such protections via regulations. On December 28, 2000, HHS issued the first comprehensive federal regulations that provided protection of personal medical information, limiting the ways in which individually identifiable health information may be used and disclosed. Recently HHS issued modifications to those regulations. The new requirements are set forth in 45 C.F.R. Parts 160 and 164, and may also be found on the HHS website (<http://www.hhs.gov/ocr/hipaa/>).

Each contractor or subcontractor that is covered by the Privacy Rule has an independent responsibility to comply with all parts of the Rule, including designating a covered healthcare component, designating a privacy officer, conducting required training, keeping an accounting of disclosures, accepting and resolving privacy complaints, issuing Notices, and obtaining Authorizations.

The standard Job Corps Notice and Authorization is intended to protect Job Corps programmatic interests and may or may not be sufficient to substitute for the Notice or Authorization that otherwise would be required by the covered entity by HHS. Covered entities

should review the standard Notice and Authorization and compare them with their actual information practices to determine if a supplemental Notice or Authorization may be appropriate under the Rule, or if their information practices may need to be modified.

This PRH Change Notice is designed to ensure that HIPAA and the Privacy Rule guidelines are communicated as clearly as possible.

3. Explanation of Major Changes. Highlights of PRH changes, by chapter, are as follows:

a. PRH Chapter 1, Outreach and Admissions:

- Revise PRH Chapter 1 Table of Contents by adding *Exhibit 1-3, "Authorization for Use and Disclosure of Your Health Information."*
- Revise PRH 1.2, R2 by adding *f. Sign the "Authorization for Use and Disclosure of Your Health Information." See Exhibit 1-3. (ACs shall advise applicants that they cannot enter the program without a signed Authorization.)*
- Revise PRH 1.2, R5 (a,6) to *Send the information in paragraphs 1-4 above and the signed "Authorization for Use and Disclosure of Your Health Information" to the center of assignment.*
- Revise PRH 1.2, R6 to *Regional offices shall establish review procedures and consult, as necessary, with individuals and organizations (including court, probation, parole, law enforcement, education, welfare, medical and mental health advisers) to review applications and signed "Authorization for Use and Disclosure of Your Health Information" for admission and/or readmission.*
- Revise PRH 1.5, R4 (b) by adding *4. The center has not received the "Authorization for Use and Disclosure of Your Health Information."*
- Revise PRH Exhibit 1-1 by adding a row after E. EDUCATION/TRAINING/FAMILY NEEDS. Under the column called Eligibility Criteria add *F: Authorization for Use and Disclosure of Health Information.* In the column called Assessment/Verification Requirements/All Applicants, add *All applicants or parent/legal guardian must sign the "Authorization for Use and Disclosure of Your Health Information,"* and in the third column called Documentation Requirements/All Applicants add *Must be received on the receiving center prior to the applicant's arrival.* Due to the addition of the new row F. Authorization for Use and Disclosure of Health Information; subsequent rows should be updated to *G. PARENTAL CONSENT, H. CHILD CARE, I. BEHAVIOR HISTORY, I. BEHAVIOR HISTORY (cont.), and J. AC's Assessment Tool (ACAT).*

- Add PRH Exhibit 1-3 “Authorization for Use and Disclosure of Your Health Information.”
- b. PRH Chapter 5, Management:
- Revise PRH 5.1, R5 to *Center operators and OA/CTS contractors shall maintain records and reports for 3 years. Records of disclosures of protected health information shall be kept for 6 years. Exceptions to this retention period shall be communicated by the national office on a case-by-case basis.*
 - Revise Exhibit 5-4 by adding under Training Requirements, New Staff Orientation a row called Privacy Rule. Place an “X” under 1st 90 days, Yearly, and Health Staff.
- c. PRH Chapter 6, Administrative Support:
- Revise PRH Chapter 6 Table of Contents
 - by adding to PRH 6.12, R2 (*Consent for Treatment*) after Authorizations.
 - by adding *Exhibit 6-10, “This Notice Describes How Medical Information about You May Be Used and Disclosed and How You Can Get Access to This Information.”*
 - Revise PRH 6.3, R6 to *Centers and OA/CTS contractors shall provide students and parents/guardians of minors with access to their records on request. Access to medical records can be denied in accordance with the Notice (Exhibit 6-10) and Authorization (Exhibit 1-3).*
 - Revise PRH 6.4, R4(c) by adding *10. Withdraw HIPAA consent - If the student or parent/legal guardian of a minor student revokes the HIPAA consent.*
 - Revise PRH 6.10, R1 by adding *j. Explain and have the student sign on the first visit to health services the Notice describing how medical information about students may be used and disclosed, and how students can get access to this information. See Exhibit 6-10.*
 - Revise PRH 6.11, R1 (q) to *The center director must ensure that all center staff and subcontracted health providers are fully apprised of their responsibilities under the Privacy Act, Privacy Rule (HIPAA) [see*

Appendix 601, Student Rights to Privacy and Disclosure Information], and that students are individually assured of the confidentiality of the test results.

- Revise PRH 6.12, R2 heading to *Authorizations (Consent for Treatment)*.
- Revise PRH 6.12, R10 to *“Centers shall provide an overview of health services to new students by a member of the health services staff during the Career Preparation Period. This shall include an explanation of procedures/tests that are performed as part of the medical and dental exam, information on HIV and other sexually transmitted diseases, safe sex practices, family planning services, TEAP services, mental health services, the importance of good health to obtain/maintain employment, and the Notice describing how medical information about students may be used, disclosed, and how students can get access to this information.”*
- Add PRH Exhibit 6-10 *“This Notice Describes How Medical Information about You May Be Used and Disclosed and How You Can Get Access to This Information.”*
- Revise PRH Appendix 601,
 - 3(a) to *Students and parents or guardians of minor students, shall be granted access to their records upon request. Access to medical records can be denied in accordance with the Notice and Authorization.*
 - 3(c) to *If a student or parent of a minor student objects to any information in the medical record, he/she has the right to amend their protected information. Amendments will be made in accordance with the Notice and Authorization.*
 - 3(d) to *When the center has custody of the record, designated center staff shall respond to requests from former students or third parties for information concerning their enrollments, only upon receipt of a written signed release of information, and in accordance with the provisions of this Appendix, Notice and Authorization.*
 - 5 to *All requests for personal information about students must be treated as requests under the Freedom of Information Act and the Privacy Act of 1974, and handled pursuant to 29 CFR Parts 70 and 70a and 45 CFR Parts 160 and 164.*
 - 5(a2) to *To avert a serious threat to health or safety, protected health information can be released. Medical information may be*

provided to local authorities in the case of a student death to assist with their investigation.

- Revise table in PRH Appendix 602 FORMAL COMPLAINTS/GRIEVANCES WHERE TO FILE by adding a row in, STUDENT. In the cell under TYPE OF COMPLAINT/GRIEVANCE, add “PRIVACY RULE,” and under COGNIZANT AGENCY add “OFFICE OF CIVIL RIGHTS (OCR), Secretary, U.S. Department of Health and Human Services, ATTN: Office for Civil Rights, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, DC 20201.”
- Revise PRH Appendix 603, 1.5(a) by adding to the end of the second paragraph “and Privacy Rule”.

4. Filing Instructions.

REMOVE FROM PRH	REPLACE WITH
Chapter 1 Table of Contents, dated February 4, 2003	Chapter 1 Table of Contents, dated June 2, 2003
Section 1.2, dated February 4, 2003	Section 1.2, dated June 2, 2003
Section 1.5, dated February 4, 2003	Section 1.5, dated June 2, 2003
Exhibit 1-1, dated July 1, 2001	Exhibit 1-1, dated June 2, 2003
None	Exhibit 1-3, dated June 2, 2003
Section 5.1, dated February 1, 2003	Section 1.5, dated June 2, 2003
Exhibit 5-4, dated October 1, 2001	Exhibit 5-4, dated June 2, 2003
Chapter 6 (entire contents), dated June 2, 2003	Chapter 6, dated June 2, 2003
None	Exhibit 6-10, dated June 2, 2003
Appendix 601, dated February 1, 2002	Appendix 601, dated June 2, 2003
Appendix 602, dated July 1, 2002	Appendix 602, dated June 2, 2003
Appendix 603, dated July 1, 2002	Appendix 603, dated June 2, 2003

5. Effective Date. June 2, 2003

6. Action Required. Addressees are to ensure that a copy of this Notice is distributed to appropriate staff.

7. Inquiries. Direct any inquiries to Barbara Grove, RN at (202) 693-3116, or email to bgrove@doleta.gov.

Attachments:

- A. Chapter 1 Table of Contents
- B. Section 1.2, Eligibility Determination and Screening Process

- C. Section 1.5, Applicant Assignments
- D. Exhibit 1-1, Job Corps Eligibility and Additional Selection Criteria and Documentation Requirements
- E. Exhibit 1-3, Authorization for Use and Disclosure of Your Health Information
- F. Section 5.1, Program Management
- G. Exhibit 5-4, Required Staff Training
- H. Chapter 6 (entire contents)
- I. Exhibit 6-10, This Notice Describes How Medical Information About You May Be Used and Disclosed and How You Can Get Access To This Information
- J. Appendix 601, Student Rights to Privacy and Disclosure Information
- K. Appendix 602, Civil Rights and Non-Discrimination
- L. Appendix 603, HIV Infection/AIDS Policy